

ASSEMBLY BILL

No. 1248

Introduced by Assembly Member Umberg

February 22, 2005

An act to amend Sections 29550, 29550.1, and 29550.2 of the Government Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as introduced, Umberg. Criminal law: booking fees.

Existing law authorizes a county to impose, among other fees with respect to criminal justice services, a booking fee upon other local agencies and colleges and universities for county costs incurred in processing or booking persons arrested by employees of those entities and brought to county facilities for booking or detention.

This bill would specify that a county shall be authorized to impose a booking fee only with respect to specified nonfelonious offenses and all municipal code violations. The bill would make conforming changes to related provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 29550 of the Government Code, as
- 2 amended by Chapter 227 of the Statutes of 2004, is amended to
- 3 read:
- 4 29550. (a) (1) Notwithstanding any other provision of law, a
- 5 county may impose a fee upon a city, special district, school
- 6 district, community college district, college, or university for
- 7 reimbursement of county expenses incurred with respect to the

1 booking or other processing of persons arrested by an employee
2 of that city, special district, school district, community college
3 district, college, or university, where the arrested persons are
4 brought to the county jail for booking or detention *and the person*
5 *is arrested for any of the following nonfelony offenses:*

6 (A) *Any misdemeanor, not including the following:*

7 (i) *A misdemeanor relating to drunk driving or driving over*
8 *the legal blood alcohol limit.*

9 (ii) *A misdemeanor relating to domestic violence, including*
10 *the enforcement of any protective order relating to domestic*
11 *violence.*

12 (iii) *A misdemeanor for battery.*

13 (iv) *A misdemeanor sex offense for which the defendant, if*
14 *convicted, would be required to register as a sex offender*
15 *pursuant to Section 290 of the Penal Code.*

16 (B) *All municipal code violations.* ~~The~~

17 (2) *The fee imposed by a county pursuant to this section shall*
18 *not exceed the actual administrative costs, including applicable*
19 *overhead costs as permitted by federal Circular A-87 standards,*
20 *as defined in subdivision (d), incurred in booking or otherwise*
21 *processing arrested persons. For the 2005–06 fiscal year and each*
22 *fiscal year thereafter, the fee imposed by a county pursuant to*
23 *this subdivision shall not exceed one-half of the actual*
24 *administrative costs, including applicable overhead costs as*
25 *permitted by federal Circular A-87 standards, as defined in*
26 *subdivision (d), incurred in booking or otherwise processing*
27 *arrested persons. A county may submit an invoice to a city,*
28 *special district, school district, community college district,*
29 *college, or university for these expenses incurred by the county*
30 *on and after July 1, 1990. Counties shall fully disclose the costs*
31 *allocated as federal Circular A-87 overhead.*

32 ~~(2)–~~

33 (3) *Any increase in a fee charged pursuant to this section shall*
34 *be adopted by a county prior to the beginning of its fiscal year*
35 *and may be adopted only after the county has provided each city,*
36 *special district, school district, community college district,*
37 *college, or university 45 days written notice of a public meeting*
38 *held pursuant to Section 54952.2 on the fee increase and the*
39 *county has conducted the public meeting.*

40 ~~(3)–~~

1 (4) Any county that imposes a fee pursuant to this section shall
2 negotiate a reduced fee with any city, special district, school
3 district, community college district, college, or university within
4 the county for any services that are performed by the arresting
5 agency in the processing of arrestees that do not have to be
6 duplicated by the county.

7 ~~(4)–~~

8 (5) This subdivision shall not apply to counties that are under
9 a contractual agreement with a city, special district, school
10 district, community college district, college, or university within
11 the county that is subject to the fee.

12 (b) The exemption of a local agency from the payment of a fee
13 pursuant to this subdivision does not exempt the person arrested
14 from the payment of fees for booking or other processing.

15 (1) Notwithstanding subdivision (a), a city, special district,
16 school district, community college district, college, or university
17 shall not be charged fees for arrests on any bench warrant for
18 failure to appear in court, nor on any arrest warrant issued in
19 connection with a crime not committed within the entity's
20 jurisdiction.

21 (2) Notwithstanding subdivision (a), a city, special district,
22 school district, community college district, college, or university
23 shall not be charged fees for a person who is ordered by a court
24 to be remanded to the county jail except that a county may
25 charge a fee to recover those direct costs for those functions
26 required to book a person pursuant to subdivision (g) of Section
27 853.6 of the Penal Code.

28 (3) Notwithstanding subdivision (a), a city, special district,
29 school district, community college district, college, or university
30 shall not be charged fees for arrests made pursuant to arrest
31 warrants originating outside of its jurisdiction.

32 (4) Notwithstanding subdivision (a), no fees shall be charged
33 to a city, special district, school district, community college
34 district, college, or university on parole violation arrests or
35 probation-ordered returns to custody, unless a new charge has
36 been filed for a crime committed in the jurisdiction of the
37 arresting city, district, college, or university.

38 (5) An agency making a mutual aid request shall pay fees in
39 accordance with subdivision (a) that result from arrests made in
40 response to the mutual aid request except that in the event the

1 Governor declares a state of emergency, no agency shall be
2 charged fees for any arrest made during any riot, disturbance, or
3 event that is subject to the declaration.

4 (6) Notwithstanding subdivision (a), no fees shall be charged
5 to a city, special district, school district, community college
6 district, college, or university for the arrest of a prisoner who has
7 escaped from a county, state, or federal detention or corrections
8 facility.

9 (7) Notwithstanding subdivision (a), no fees shall be charged
10 to a city, special district, school district, community college
11 district, college, or university for arrestees held in temporary
12 detention at a court facility for purposes of arraignment when the
13 arrestee has been previously booked at an entity detention
14 facility.

15 (8) Notwithstanding subdivision (a), no fees shall be charged
16 to a city, special district, school district, community college
17 district, college, or university as the result of an arrest made by
18 its officer assigned to a formal multiagency task force in which
19 the county is a participant. For the purposes of this section,
20 “formal task force” means a task force that has been established
21 by written agreement of the participating agencies.

22 (9) In those counties where the cities and the county
23 participate in a consolidated booking program and where prior to
24 arraignment an arrestee is transferred from a city detention
25 facility to a county detention facility, the city shall not be
26 charged for those tasks listed in subdivision (d) that are a part of
27 the consolidated booking program which were completed by the
28 city prior to delivering the arrestee to the county detention
29 facility. However, the county may charge the actual
30 administrative costs for those additional tasks listed in
31 subdivision (d) that are performed in order to receive the arrestee
32 into the county detention facility. For the 2005-06 fiscal year and
33 each fiscal year thereafter, the county may charge up to one-half
34 of the actual administrative costs for those additional tasks listed
35 in subdivision (d) that are performed in order to receive the
36 arrestee into the county detention facility.

37 (c) Any county whose officer or agent arrests a person is
38 entitled to recover from the arrested person a criminal justice
39 administration fee for administrative costs it incurs in
40 conjunction with the arrest *for a nonfelonious offense specified in*

1 *subdivision (a)* if the person is convicted of any criminal offense
2 related to the arrest, whether or not it is the offense for which the
3 person was originally booked. The fee which the county is
4 entitled to recover pursuant to this subdivision shall not exceed
5 the actual administrative costs, including applicable overhead
6 costs incurred in booking or otherwise processing arrested
7 persons.

8 (d) When the court has been notified in a manner specified by
9 the court that a criminal justice administration fee is due the
10 agency:

11 (1) A judgment of conviction *for a nonfelonious offense*
12 *specified in subdivision (a)* may impose an order for payment of
13 the amount of the criminal justice administration fee by the
14 convicted person, and execution may be issued on the order in
15 the same manner as a judgment in a civil action, but shall not be
16 enforceable by contempt.

17 (2) The court shall, as a condition of probation, order the
18 convicted person, based on his or her ability to pay, to reimburse
19 the county for the criminal justice administration fee, including
20 applicable overhead costs.

21 (e) As used in this section, “actual administrative costs”
22 include only those costs for functions that are performed in order
23 to receive an arrestee into a county detention facility. Operating
24 expenses of the county jail facility including capital costs and
25 those costs involved in the housing, feeding, and care of inmates
26 shall not be included in calculating “actual administrative costs.”
27 “Actual administrative costs” may include the cost of notifying
28 any local agency, special district, school district, community
29 college district, college or university of any change in the fee
30 charged by a county pursuant to this section. “Actual
31 administrative costs” may include any one or more of the
32 following as related to receiving an arrestee into the county
33 detention facility:

34 (1) The searching, wristbanding, bathing, clothing,
35 fingerprinting, photographing, and medical and mental screening
36 of an arrestee.

37 (2) Document preparation, retrieval, updating, filing, and court
38 scheduling related to receiving an arrestee into the detention
39 facility.

40 (3) Warrant service, processing, and detainer.

1 (4) Inventory of an arrestee's money and creation of cash
2 accounts.

3 (5) Inventory and storage of an arrestee's property.

4 (6) Inventory, laundry, and storage of an arrestee's clothing.

5 (7) The classification of an arrestee.

6 (8) The direct costs of automated services utilized in
7 paragraphs (1) to (7), inclusive.

8 (9) Unit management and supervision of the detention function
9 as related to paragraphs (1) to (8), inclusive.

10 (f) An administrative screening fee of twenty-five dollars
11 (\$25) shall be collected from each person arrested *for a*
12 *nonfelonious offense specified in subdivision (a)* and released on
13 his or her own recognizance upon conviction of any criminal
14 offense related to the arrest other than an infraction. A citation
15 processing fee in the amount of ten dollars (\$10) shall be
16 collected from each person cited and released by any peace
17 officer in the field or at a jail facility upon conviction of any
18 criminal offense, other than an infraction, related to the criminal
19 offense cited in the notice to appear. However, the court may
20 determine a lesser fee than otherwise provided in this subdivision
21 upon a showing that the defendant is unable to pay the full
22 amount. All fees collected pursuant to this subdivision shall be
23 transmitted by the county auditor monthly to the Controller for
24 deposit in the General Fund. This subdivision applies only to
25 convictions occurring on or after the effective date of the act
26 adding this subdivision and prior to June 30, 1996.

27 SEC. 2. Section 29550.1 of the Government Code is amended
28 to read:

29 29550.1. Any city, special district, school district, community
30 college district, college, university, or other local arresting
31 agency whose officer or agent arrests a person *for a nonfelonious*
32 *offense specified in subdivision (a) of Section 29550* is entitled to
33 recover any criminal justice administration fee imposed by a
34 county from the arrested person if the person is convicted of any
35 criminal offense related to the arrest. A judgment of conviction
36 shall contain an order for payment of the amount of the criminal
37 justice administration fee by the convicted person, and execution
38 shall be issued on the order in the same manner as a judgment in
39 a civil action, but the order shall not be enforceable by contempt.
40 The court shall, as a condition of probation, order the convicted

1 person to reimburse the city, special district, school district,
2 community college district, college, university, or other local
3 arresting agency for the criminal justice administration fee.

4 SEC. 3. Section 29550.2 of the Government Code is amended
5 to read:

6 29550.2. (a) Any person booked into a county jail *for a*
7 *nonfelonious offense specified in subdivision (a) of Section 29550*
8 pursuant to any arrest by any governmental entity not specified in
9 Section 29550 or 29550.1 is subject to a criminal justice
10 administration fee for administration costs incurred in
11 conjunction with the arresting and booking if the person is
12 convicted of any criminal offense relating to the arrest and
13 booking. The fee which the county is entitled to recover pursuant
14 to this subdivision shall not exceed the actual administrative
15 costs, as defined in subdivision (c), including applicable
16 overhead costs as permitted by federal Circular A 87 standards,
17 incurred in booking or otherwise processing arrested persons. If
18 the person has the ability to pay, a judgment of conviction shall
19 contain an order for payment of the amount of the criminal
20 justice administration fee by the convicted person, and execution
21 shall be issued on the order in the same manner as a judgment in
22 a civil action, but the order shall not be enforceable by contempt.
23 The court shall, as a condition of probation, order the convicted
24 person to reimburse the county for the criminal justice
25 administration fee.

26 (b) All fees collected by a county as provided in this section
27 and Section 29550, may be deposited into a special fund in that
28 county which shall be used exclusively for the operation,
29 maintenance, and construction of county jail facilities.

30 (c) As used in this section, “actual administrative costs”
31 include only those costs for functions that are performed in order
32 to receive an arrestee into a county detention facility. Operating
33 expenses of the county jail facility including capital costs and
34 those costs involved in the housing, feeding, and care of inmates
35 shall not be included in calculating “actual administrative costs.”
36 “Actual administrative costs” may include any one or more of the
37 following as related to receiving an arrestee into the county
38 detention facility:

1 (1) The searching, wristbanding, bathing, clothing,
2 fingerprinting, photographing, and medical and mental screening
3 of an arrestee.

4 (2) Document preparation, retrieval, updating, filing, and court
5 scheduling related to receiving an arrestee into the detention
6 facility.

7 (3) Warrant service, processing, and detainer.

8 (4) Inventory of an arrestee's money and creation of cash
9 accounts.

10 (5) Inventory and storage of an arrestee's property.

11 (6) Inventory, laundry, and storage of an arrestee's clothing.

12 (7) The classification of an arrestee.

13 (8) The direct costs of automated services utilized in
14 paragraphs (1) to (7), inclusive.

15 (9) Unit management and supervision of the detention function
16 as related to paragraphs (1) to (8), inclusive.

17 (d) It is the Legislature's intent in providing the definition of
18 "actual administrative costs" for purposes of this section that this
19 definition be used in determining the fees for the governmental
20 entities referenced in subdivision (a) only. In interpreting the
21 phrases "actual administrative costs," "criminal justice
22 administration fee," "booking," or "otherwise processing" in
23 Section 29550 or 29550.1, it is the further intent of the
24 Legislature that the courts shall not look to this section for
25 guidance on what the Legislature may have intended when it
26 enacted those sections.